THE HON'BLE SRI JUSTICE C.V. RAMULU

Monday, 7th August, 2006

W.P.No.15761 of 2006

Between:

Smt. S.Bhanu Prabha … Petitioner

ad

Joint Collector, Anantapur,
Anantapur District and others … Respondents

HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.15761 of 2006

ORAL ORDER:

Heard both sides.

It appears that the petitioner is the daughter-in-law of the original fair price shop dealer of Kallumadi village, Singanamala Mandal of Anantapur district. After the death of her father-in-law, she was allowed to run the shop on temporary basis. Thereafter, a notification has been issued to fill up the fair price shop dealership of Kallumadi village on permanent basis. In pursuance of that, the 4th respondent was selected by Proceedings D.Dis.D1-CS/275/2006, dated 23-5-2006 of the 2nd respondent. However, aggrieved by the same, the petitioner carried the matter in appeal before the 1st respondent-Joint Collector and the same is pending. Respondent No.1 while taking up the appeal on file considered as to passing of the interim orders and passed an Order dated 15-7-2006 granting stay of operation of the Orders passed by the 2nd respondent-Revenue Divisional Officer, if the petitioner is still running the fair price shop. Aggrieved by the same, the present Writ Petition is filed.

Learned counsel for the petitioner states that the Order of the 1st respondent dated 15-7-2006 is neither here nor there. It is a via media order and it cannot be worked out. Respondent No.1 having felt that the appeal can be taken up and interim order can be granted, ought not to have imposed the condition i.e. if the petitioner is still running the Fair Price Shop of Kallumadi village and the said condition is illegal.

Learned Government Pleader, on instructions, submits that in fact the 4th respondent is running the shop as of now and the appeal filed by the petitioner is pending before the 1st respondent.

The impugned Order dated 15-7-2006 is purely a discretionary order and the 1st respondent, in his wisdom, as on 15-7-2006 found that only if the petitioner is running the shop, her interest should be protected. This Court cannot interfere with such discretionary order passed by the 1st respondent on 15-7-2006. In view of the above, the Writ Petition is devoid of merits and is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No costs.

However, the 1st respondent is directed to consider and dispose of very appeal filed by the petitioner against the Order dated 23-5-2006 of the 2nd respondent, after hearing all the parties concerned, within a period of four weeks from the date of receipt of a copy of this order.

07-8-2006

Office to furnish
CC within one week
(B.O.)
prk